IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.: 007287.00037
Yakov Kamen, *et al.*	
Serial No.: 10/087,975	Group Art Unit: 2426
Filed: March 1, 2002	Examiner: Fred H. Peng
For: Multimedia Interactive Device Function Selection Based Upon Depression Duration	Confirmation No.: 9048

APPEAL BRIEF

Mail Stop: Appeal
U.S. Patent and Trademark Office
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401 Dulany Street
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Sir:

This is an Appeal Brief filed in support of Appellants' August 21, 2009, Notice of Appeal. Appeal is taken from the Final Office Action mailed May 21, 2009 ("Final Office Action").

Applicants request any necessary extension of time for the submission of this paper. If any fees are required, please charge Deposit Account No. 19-0733 accordingly.

REAL PARTY IN INTEREST
37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is JLB Ventures, LLC.

RELATED APPEALS AND INTERFERENCES
37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF CLAIMS
37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-4, 10-13, 19-22, and 25-40 stand rejected and are presently appealed. Claims 5-9,

14-18, and 23-24 were previously canceled.

STATUS OF AMENDMENTS
37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been made subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER
37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and/or

drawings to explain the claimed invention, Appellants do not intend to limit the claims to those

embodiments; all references to the filed specification and drawings are illustrative unless

otherwise explicitly stated. Moreover, written description support may be found in the filed

specification when read as a whole, in addition to the specific passages cited.

Independent Claim 1

Independent claim 1 recites a method [FIG. 3; para. 9, para. 21] comprising:

receiving at a multimedia presentation device controller an indication of a depression

of a channel selection button, [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22,

para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5;

para. 26 (see, e.g., lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button;
[FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements
325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button,
wherein the function performed is based upon the depression duration. [FIG. 3, elements 326,
331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 10

Independent claim 10 recites a computer-readable medium containing instructions
which, when executed by a processor, [FIG. 2; para. 2, para. 20, paras. 22-23] cause the
processor to perform a method, [FIG. 3; para. 9, para. 21] the method comprising:

receiving at a multimedia presentation device controller an indication of a depression
of a channel selection button, [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22,
para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5;
para. 26 (see, e.g., lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button;
[FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements
325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button,
wherein the function performed is based upon the depression duration. [FIG. 3, elements 326,
331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 19

Independent claim 19 recites an apparatus [FIG. 2; Abstract; para. 2] comprising:

a processor having a memory coupled thereto, the memory having stored thereon executable instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by the processor, cause the processor to perform a method [FIG. 3; para. 9, para. 21] comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5; para. 26 (see, e.g., lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button; [FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 28

Independent claim 28 recites a method [FIG. 3; para. 9, para. 21] comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller; [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration

into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range is associated with a first function on the multimedia presentation device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the multimedia presentation device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the multimedia presentation device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 33

Independent claim 33 recites a device controller [FIG. 2; Abstract; para. 2] comprising:

a processor having a memory coupled thereto, the memory having stored thereon computer executable instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by the processor, cause the device controller to perform a method [FIG. 3; para. 9, para. 21] comprising:

receiving an indication of a depression of a button on the device controller; [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range

is associated with a first function on the device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 38

Independent claim 38 recites a computer-readable medium containing instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by a processor, cause the processor to perform a method [FIG. 3; para. 9, para. 21], the method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller; [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range is associated with a first function on the multimedia presentation device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the multimedia presentation device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the multimedia presentation device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Dependent Claims 29 and 34

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claims 29 and 34, which is argued separately below.

Dependent claims 29 and 34 recite, "wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller." [FIG. 3, elements 340-345; page 8, lines 4-5; FIG. 6, element 604 ("No Action")]

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
37 C.F.R. § 41.37(c)(1)(vi)

Claims 1-4, 10-13, 19-22 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Pub. No. 2001/0005905 (now U.S. Patent No. 6,505,346) to Saib et al. (hereinafter "Saib"), in view of U.S. Patent No. 7,324,168 to Griesau *et al.* (hereinafter "Griesau-2002").

Claims 28, 33, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of U.S. Patent No. 7,181,027 to Shaffer *et al.* (hereinafter "Shaffer").

Claims 29, 30, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of Shaffer, and further in view of Griesau.

Claims 31 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Saib, in view of Shaffer, and further in view of U.S. Patent No. 5,844,620 to Coleman *et al.*

(hereinafter "Coleman").

Claims 32 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Saib, in view of Shaffer, and further in view of U.S. Patent No. 6,757,906 to Look *et al.*

(hereinafter "Look").

ARGUMENT
37 C.F.R. § 41.37(c)(1)(vii)

A.   The Rejections of Claims 1-4, 10-13, 19-22, and 25-27 based on Griesau-2002

The Office erred in rejecting claims 1-4, 10-13, 19-22 and 25-27 under 35 U.S.C.

§103(a), based in part on U.S. Patent No. 7,324,168 ("Griesau-2002"), because Griesau-2002 is

not prior art to the present application. Griesau-2002 has a filing date of October 30, 2002,

which is later than the filing date of the present application, October 19, 2001, and later than the

filing date of the provisional application to which the present application claims priority, October

19, 2000. Thus, Griesau-2002 is not, by itself, available for consideration under 35 USC §

102(e). The Final Office Action argues on page 2 that Griesau-2002 is supported by its parent

application, U.S. Application Serial No. 09/419,605, filed October 18, 1999 (Griesau-1999).

However, the rejections in the Final Office Action make no reference to the purported disclosure

of the earlier-filed Griesau-1999 application, and none of the cited portions of Griesau-2002 are

present in the earlier Griesau-1999 application.

The Griesau-2002 reference is properly cited against the present application only if "the

earlier-filed application properly supports the subject matter relied upon to make the rejection in

compliance with 35 U.S.C. § 112, first paragraph." (M.P.E.P. 2136.03 (IV)). That is, only the

portions of Griesau-2002 that are supported by the parent Griesau-1999 application in

accordance with 35 U.S.C. § 112, first paragraph are entitled to gain the benefit of the October

18, 1999 priority date. In the rejections of independent claims 1, 10, and 19, the Final Office

Action cites three passages of Griesau-2002 (col. 2, lines 16-19; col. 2, lines 54-58; col. 2 line 66

- col. 3 line 3) as allegedly disclosing "a key or a button in a universal remote controller [that]

can be programmed for more than [one] function." Final Office Action, page 4. None of these

three cited passages of Griesau-2002 are present within or supported by the Griesau-1999

application. For example, the first cited passage of Griesau-2002 is shown and underlined

below:

> **SUMMARY OF THE INVENTION**
>
> 10
>
> Therefore, there is a need for a universal remote control unit, which reduces the likelihood of the user unintentionally changing the operating mode of the universal remote control unit. In addition, desirably the universal remote control unit
>
> 15 allows the user to readily turn on or off all of the devices using a single button and with a single button press. Further still, the universal remote control may allow programming a button having a preprogrammed function with one or more additional functions.

Griesau-2002, col. 2, ll. 10-19 (only underlined lines 16-19 cited in Final Office Action)

The corresponding paragraph of Griesau-1999, which does not include the passage cited in the

Final Office Action, is reproduced below:

> **SUMMARY OF THE INVENTION**
>
> Therefore, there is a need for a universal remote control unit, which reduces the likelihood of the user unintentionally changing the operating mode of the universal remote control
>
> 5 unit. In addition, desirably the universal remote control unit allows the user to readily determine the current operating mode, turn on/off the devices with fewer button presses, and may be user programmable to simplify the operation of the universal remote control unit.

Griesau-1999, col. 2, ll. 1-9 (passage cited in Final Office Action not present)

The same is true for the other passages of Griesau-2002 cited in the Final Office Action in the rejections of independent claims 1, 10, and 19; neither the corresponding portions of Griesau-1999, nor any other portion of Griesau-1999, discloses or provides support for the cited portions of Griesau-2002.

Furthermore, the Office misstates the relationship between the earlier parent application and the later divisional application in the following section reproduced below:

> Furthermore, by definition, the content disclosure of earlier '605 application should inherently include all the subject matters as disclosed in the divisional '168 application

Final Office Action, page 2.

This statement is clearly incorrect. A later-filed divisional application often includes subject matter not included in the earlier-filed parent application. For example, as discussed above, many sections of Griesau-2002 divisional, including every section cited by the Final Office Action, are not present in the Griesau-1999 parent application. Therefore, for at least these reasons, the rejections of claims 1-4, 10-13, 19-22 and 25-27 are improper and should be reversed.

B.   Rejections of Claims 1, 10, and 19

In claims 1, 10, and 19, the Final Office Action fails to address the claim limitation, "wherein the channel selection button corresponds to a number button (0-9)." Specifically, claims 1, 10, and 19 relate to a channel selection button used to perform a plurality of functions based upon the depression duration of the button. The Office alleges that a channel selection button is taught by the "Jump Key" of U.S. Patent No. 6,505,346 ("Saib"), described at FIG. 3, step 302. Final Office Action, page 3. However, Saib's Jump key is a single key that causes the

tuner to cycle through a loop of stations. Saib's Jump key is not a channel selection button corresponding to a number button (0-9), as claimed. This distinction is significant, as the instant specification discusses several different embodiments and specific advantages in performing a plurality of functions based upon the <u>depression duration of a channel selection number button (0-9)</u> (e.g., one duration for the channel number, another duration to run a numbered program, another duration to update that numbered program, another duration to clear and reset that program number, etc.) See, *e.g.*, FIG. 5, paras. *26-27*. These examples and others discussed in the instant specification are not disclosed and would not be possible using the single Jump key described in Saib.

Since the Final Office Action completely ignores the "wherein the channel selection button corresponds to a number button (0-9)" limitation of claim 1, the Office has failed to establish a *prima facie* case of obviousness for this reason alone. Furthermore, neither Saib, nor any of the additional cited references teaches or suggests evaluating the depression duration of a channel selection button corresponding to a number button (0-9), as recited in claim 1. Therefore, the cited references, either separately or in combination, do not teach or suggest each and every feature of claim 1. Accordingly, for at least these reasons, the rejections of claims 1, 10, and 19 are improper and should be reversed.

C.   Rejections of Claims 28, 33, and 38

The Office erred in its rejections of claims 28, 33, and 38, with respect to "classifying the depression duration into one of <u>three or more ranges</u>," wherein each depression duration range is associated with a separate function on a multimedia presentation device controller. The Final Office Action acknowledges on page 5 that the Jump key described in Saib only includes two depression duration ranges, but then alleges that U.S. Patent No. 7,181,027 ("Shaffer") cures

these deficiencies by disclosing a third duration range at FIG. 4 and col. 8, lines 59-64. However, the alleged duration ranges of Shaffer are not "depression duration" ranges as recited in claims 28, 33, and 38. Rather, Shaffer's duration ranges relate to the amount of time that audio input is being detected at a microphone. (FIG. 4, col. 9, line 51 – col. 10, line 46) Secondly, none of the alleged functions performed by Shaffer is a "function on [a] multimedia presentation device controller," as recited by claims 28, 33, and 38. In fact, Shaffer does not disclose or relate to multimedia device controllers at all, but describes a noise suppression technique for use in communication systems. (Abstract) Furthermore, it is not clear that there is even an alleged "third function" performed by Shaffer at all. As shown in FIG. 4 of Schaffer, regardless of the duration of the speech input at the microphone, a timer is initialized, a beginning notification is sent, and an ending notification is sent. Although multiple durations are described in relation to system performance, Shaffer does not disclose an alleged "third function" that is performed based on a third duration range. Accordingly, for at least these reasons, the rejections of claims 28, 33, and 38 are improper and should be reversed.

D.   Rejections of Claims 29 and 34

The Office erred in its rejections of claims 29 and 34, with respect to its assertion of Official Notice. Claims 29 and 34 each recite, "wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller." The Final Office Action on page 6 rejects claims 29 and 34 based on Saib, Shaffer, and Griesau-2002. However, the Office admits that none of the cited references discloses the claimed feature, but then takes Official Notice as shown in the reproduced section below:

> However, all of them do not specifically disclose a termination function or skip function.
>
> The Official Notice is taken that it is well known in the art to skip the command of depress keys to avoid unintentional contact.

Final Office Action, page 6.

This assertion of Official Notice is confusing and inappropriate in the rejections of claims 29 and 34. First, it is unclear what is meant by "to skip the command of depress keys." Additionally, neither the claims at issue, nor any other portion of the Applicants disclosure relates to "avoiding unintentional contact." Thus, the Official Notice is unclear as to the specific assertions of fact and/or common knowledge, and the applicability of the factual assertions to the claim limitations. MPEP § 2144.03. Accordingly, Applicants traverse this assertion of Official Notice, and submit that the rejections of claims 29 and 34 based on the Official Notice are improper.

E.   Rejections of Claims 2-4, 11-13, 20-22, 25-27, 29-32, 34-37, and 39-40

Claims 2-4, 11-13, 20-22, 25-27, 30-32, 35-37, and 39-40 ultimately depend from one of claims 1, 10, 19, 28, 33, or 38, and are thus allowable for at least the same reasons as their respective base claims.

<u>CONCLUSION</u>

For all of the foregoing reasons, Appellants respectfully submit that the final rejection of

claims 1, 3, 7, 9, 11, 12, 27, and 30-39 is improper and should be reversed.

Respectfully submitted,
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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1.   (Rejected) A method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

2.   (Rejected) The method of claim 1, wherein evaluating the depression duration comprises:

determining depression of a button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, upon termination of the depression of a button.

3.   (Rejected) The method of claim 2, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

4.   (Rejected) The method of claim 3, wherein the functions affecting the favorite channel

list include one or more of accessing, updating, programming and last channel.

5-9.   (Canceled)

10.   (Rejected) A computer-readable medium containing instructions which, when executed by a processor, cause the processor to perform a method, the method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

11.   (Rejected) The computer-readable medium of claim 10, wherein evaluating the depression duration comprises:

determining depression of a button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, termination of the depression of a button.

12.   (Rejected) The computer-readable medium of claim 11, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

13.   (Rejected) The computer-readable medium of claim 12, wherein the functions affecting the favorite channel list include one or more of accessing, updating, programming and last channel.

14-18. (Canceled)

19.   (Rejected) An apparatus comprising:

a processor having a memory coupled thereto, the memory having stored thereon executable instructions which, when executed by the processor, cause the processor to perform a method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

20.   (Rejected) The apparatus of claim 19, wherein evaluating the depression duration comprises:

determining depression of button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, upon termination of the depression of a button.

21. (Rejected) The apparatus of claim 20, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

22. (Rejected) The apparatus of claim 21, wherein the functions affecting the favorite channel list include one or more of accessing, updating, programming and last channel.

23-24. (Canceled)

25. (Rejected) The method of claim 1, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

26. (Rejected) The computer-readable medium of claim 10, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

27. (Rejected) The apparatus of claim 19, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

28.   (Rejected) A method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller;

receiving an indication of an ending of the depression of the button;

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the multimedia presentation device controller, a second depression duration range is associated with a second function on the multimedia presentation device controller, and a third depression duration range is associated with a third function on the multimedia presentation device controller, and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller.

29.   (Rejected) The method of claim 28, wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller.

30.   (Rejected) The method of claim 28, wherein the button corresponds to a channel up button or a channel down button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a different broadcast channel, and wherein the second or third depression duration range is associated with a function for changing an operating mode of the multimedia presentation device.

31.   (Rejected) The method of claim 28, wherein the button corresponds to a last channel button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a most recently previously viewed channel, and wherein the second duration range is associated with a function for tuning the multimedia presentation device to a channel viewed before the most recently previously viewed channel.

32.   (Rejected) The method of claim 28, wherein after receiving the indication of the depression and before receiving the indication of the ending of the depression, the depression duration corresponds to a progress bar with range labels displayed on an associated multimedia presentation device.

33.   (Rejected) A device controller comprising:

        a processor having a memory coupled thereto, the memory having stored thereon computer executable instructions which, when executed by the processor, cause the device controller to perform a method comprising:

                receiving an indication of a depression of a button on the device controller;

                receiving an indication of an ending of the depression of the button;

                evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the device controller, a second depression duration range is associated with a second function on the device controller, and a third depression duration range is associated with a third function on the device controller, and;

performing the function associated with the depression duration range of the button on the device controller.

34.   (Rejected) The device controller of claim 33, wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller.

35.   (Rejected) The device controller of claim 33, wherein the button corresponds to a channel up button or a channel down button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a different broadcast channel, and wherein the second or third depression duration range is associated with a function for changing an operating mode of the multimedia presentation device.

36.   (Rejected) The device controller of claim 33, wherein the button corresponds to a last channel button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a most recently previously viewed channel, and wherein the second duration range is associated with a function for tuning the multimedia presentation device to a channel viewed before the most recently previously viewed channel.

37.   (Rejected) The device controller of claim 33, wherein after receiving the indication of the depression and before receiving the indication of the ending of the depression, the

depression duration corresponds to a progress bar with range labels displayed on an associated multimedia presentation device.

38.   (Rejected) A computer-readable medium containing instructions which, when executed by a processor, cause the processor to perform a method, the method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller;

receiving an indication of an ending of the depression of the button;

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the multimedia presentation device controller, a second depression duration range is associated with a second function on the multimedia presentation device controller, and a third depression duration range is associated with a third function on the multimedia presentation device controller, and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller.

39.   (Rejected) The method of claim 28, wherein said evaluating comprises classifying the depression duration into one of four or more ranges, and wherein a fourth depression duration range is associated with a fourth function on the multimedia presentation device controller.

40.   (Rejected) The device controller of claim 33, wherein said evaluating comprises classifying the depression duration into one of four or more ranges, and wherein a fourth

depression duration range is associated with a fourth function on the multimedia presentation device controller.

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EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

None.

RELATED PROCEEDINGS APPENDIX
37 C.F.R. § 41.37(c)(1)(x)

None.